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TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

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ROSE MEYER

CIVIL ACTION NO. 08-268

VERSUS

JUDGE TRIMBLE

THE ARBOR AND TERRACE  
SENIOR CENTER OF RUSTON, LLC

MAGISTRATE JUDGE HAYES

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**MEMORANDUM RULING AND JUDGMENT**

The court has reviewed the record in the above captioned case, filed by plaintiff in 2008. Pursuant to the order issued by U.S. Magistrate Judge Karen L. Hayes on May 18, 2010,<sup>1</sup> the court, finding that no counsel has been enrolled by defendant as directed by that order, hereby reinstates the preliminary default entered in this case by the U.S. Clerk of Court on October 1, 2008.<sup>2</sup> In furtherance of the magistrate judge's order, we also find that all responsive pleadings filed by defendant in this matter should be and are hereby **STRICKEN** from the record and, additionally, we reinstate plaintiff's motion for entry of final default judgment, filed February 2, 2009.<sup>3</sup>

Finding that plaintiff has demonstrated a prima facie case for discriminatory discharge under the Age Discrimination in Employment Act ("ADEA") of 1967 and that defendant has failed to respond to the suit, despite being afforded numerous opportunities to do so, it is hereby

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<sup>1</sup>R. 53.

<sup>2</sup>R. 21.

<sup>3</sup>R. 23.

**ORDERED, ADJUDGED and DECREED** that plaintiff's motion for entry of final default is **GRANTED** and, accordingly, that there be entered into the record in this case **FINAL DEFAULT JUDGMENT** in favor of plaintiff and against defendant in the amount of \$82,330.00, comprised of lost wages in the amount \$54,600.00, lost benefits in the amount of \$2730.00 and punitive damages in the amount of \$25,000.00.<sup>4</sup>

The court makes its award of punitive damages based on the specific finding that the facts of this case as alleged by plaintiff and uncontested by defendant demonstrate that defendant acted with reckless indifference to plaintiff's rights under the ADEA. The court finds the sum of \$25,000.00 to be reasonable in light of the lost wage and benefits claim and, also, sufficient to deter future offensive conduct of this sort by defendant.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 2<sup>nd</sup> day of September, 2010.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**

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<sup>4</sup>Our review of the record indicates that defendant have been provided ample notice pursuant to Fed. R. Civ. P. 55. In addition to the prior entry of default in this case and the magistrate judge's written caution to defendant, chambers staff for the undersigned contacted defendant at the telephone number of record on Monday, August 2, 2010 to inquire as to whether or not defendant would oppose plaintiff's motion for summary judgment. Chambers staff was informed by the owner of defendant corporation that defendant would be enrolling counsel within the week to respond to the motion, but no such action was taken. Thus, the court finds that defendant was provided notice of the possibility of default on at least three (3) occasions, the last of which occurred one (1) month prior to issuance of this judgment.